

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR AMOS STILLEY,

Defendant.

Case No. 09-CR-43-SPF

**United States' Motion to Dismiss Defendant Oscar Stilley's Motion to Stay
Proceedings Pending Disclosure of Lindsey Springer's Contact Information, and
Opportunity to Work Together With Springer and Allow Springer to Adopt
Stilley's 2255 Motion; and also for Determination of Who is the Lawfully
Authorized Judge on this Case
(Dkt. # 702)**

On September 2, 2021, Defendant Oscar Amos Stilley filed a motion asking this Court to direct the United States to assist him in locating and contacting his coconspirator, Mr. Lindsey Kent Springer, or to "reinstate CM/ECF filing privileges as provided by prior order of the court." Mr. Stilley also seeks to relitigate this Court's authority to preside in this matter. Dkt. # 702. By order dated September 2, 2021 the Court directed the United States to respond within 28 days. Dkt. # 704.¹

¹ The United States separately moved to dismiss Mr. Stilley's Section 2255 motion (Dkt. # 701) both because it was untimely, having been filed more than nine-years after the limitations period, and because it was filed in violation of the local rules regarding the length of motions and briefs. Dkt. # 704.

The United States respectfully requests the Court dismiss Mr. Stilley's motion because there is no jurisdictional basis for the Court to entertain Mr. Stilley's post-judgment and post-appeal claims. *See United States v. Patterson*, 253 Fed.Appx. 748, 750 (10th Cir. 2007).

Introduction

Mr. Stilley, a 57-year-old male, is in the eleventh year of a fifteen-year sentence imposed by this Court on April 28, 2020 following his convictions for conspiracy to defraud the United States and income tax evasion. Due to the COVID-19 pandemic, the Bureau of Prison placed Mr. Stilley on home confinement beginning September 9, 2020. His current projected release date is August 10, 2023, taking into account credit for good time served.

Relevant Background

1. This Court sentenced Mr. Stilley to 15 years in prison for tax crimes

In 2009, a grand jury indicted Mr. Stilley and a co-defendant, charging each with conspiracy to defraud the United States and tax evasion. (Doc. 2). After a jury convicted Mr. Stilley and his co-defendant, this Court sentenced each of them to fifteen years imprisonment. (Docs. 337 and 338). In sentencing the defendants, the Court stated that it had "tried to find even a thin strand of truth or integrity to your conduct or your way of life. It is not there. Not even a speck. There is not even a plausible basis upon which you might have deluded yourself into thinking that you are anything but complete frauds and predators." Transcript of Sentencing Hearing, Doc. 403, p. 57 lines 12 to 17 and p. 58 lines 4 to 9.

Messrs. Springer and Stilley appealed their convictions and sentence, and the Tenth Circuit affirmed their convictions and sentences (*United States v. Springer*, 444 F.App'x 256 (10th Cir. 2011)) and issued its mandate as to Mr. Stilley's conviction on December 20, 2011. Dkt. #463. Mr. Stilley did not seek a petition for writ of certiorari.

2. Mr. Stilley previously sought relief from his conviction and sentence under the First Step Act of 2018.

On May 12, 2021, Mr. Stilley filed a motion before this Court, asserting he sought compassionate release under 18 U.S.C. § 3582(c)(1)(A), pursuant to recent amendments to that section under the First Step Act of 2018. (Dkt. #s 694 and 695). In his motion Mr. Stilley identified no basis for compassionate release, but instead recited a litany of "Facts Showing Entitlement to Relief" each attacking Mr. Stilley's conviction and sentence. In short, Mr. Stilley sought to have this Court reverse its and the Tenth Circuit's previous rulings. By order dated July 26, 2021, this Court denied Mr. Stilley's motion for relief under the First Step Act. Dkt. # 700.

Argument and Authorities

The Court should dismiss Mr. Stilley's Motion to Stay Proceedings Pending Disclosure of Lindsey Springer's Contact Information, and Opportunity to Work Together With Springer and Allow Springer to Adopt Stilley's 2255 Motion; and also for Determination of Who is the Lawfully Authorized Judge on this Case. Dkt. # 702. In his five-page motion consisting of 24 paragraphs, Mr. Stilley asserts without legal or factual support that the United States has an obligation to "disclose

the contact information of” his co-conspirator, that the United States “pretends to serve” his co-conspirator with pleadings,” and that the Honorable United States District Court Judge Stephen P. Friot “was divested of jurisdiction by the appeal of the defendants.”

Mr. Stilley is correct that this Court lacks jurisdiction to consider the issues he raises, although not for the reasons asserted. “Once a district court enters a final judgment (which in a criminal case means the sentence) it lacks jurisdiction to continue hearing related issues, except to the extent authorized by statute or rule.” *United States v. Campbell*, 324 F.3d 497, 500 (7th Cir. 2003). “Absent a showing of some statute or rule authorizing consideration of [Defendant’s] motions, there is no jurisdictional basis under which this Court can entertain Defendant’s post-judgment claims. *United States v. Scott*, 2015 WL 12915112 (D.WY. 2015), *citing United States v. Patterson*, 253 Fed.Appx. 748, 750 (10th Cir. 2007).

Unlike his motion under the First Step Act (Dkt. #s 694 and 695) and his delinquent Section 2255 motion (Dkt. # 701), Mr. Stilley identifies no statute or rule authorizing this Court’s consideration of his requests in Dkt. # 702, thereby rendering this Court no jurisdictional basis to consider his claims.

Conclusion

Based upon the foregoing, the United States respectfully requests that this Court dismiss Mr. Stilley's motion for relief.

Respectfully submitted,
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Certificate of Service

I certify that on September 8, 2021, I electronically transmitted the foregoing to the Clerk of the Court using the ECF System which will send notification to the following ECF registrant:

Oscar Amos Stilley
Defendant *pro se*

/s/ William L. Foreman
William L. Foreman
Paralegal Specialist